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Crl.O.P.No.7469 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.04.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.7469 of 2023

Kannan

...Petitioner

Vs.

State represented by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.467 of 2022

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the return doctet order made in unnumbered Crl.MP.SR.No.2348 of 2023 dated 23.03.2023 on the file of the learned Judicial Magistrate Court, Sulur.

For Petitioner : Mr.S.N.Arunkumar
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition has been filed to set aside the return doctet order made in unnumbered Crl.MP.SR.No.2348 of 2023 dated 23.03.2023, on the file of the learned Judicial Magistrate Court, Sulur.

2. It is the submission of the learned counsel for the petitioner that the petitioner filed a petition in Crl.R.C.No.387 of 2023 against the order dated 15.12.2022 passed in Crl.M.P.No.4300 of 2022 by the Judicial Magistrate Court, Sulur, thereby dismissing the petition seeking return of vehicle bearing Registration No.TN 36 AF 9776. This Court on 06.03.2023 set aside the order passed in Crl.M.P.No.4300 of 2022 dated 15.12.2022 by the Judicial Magistrate Court, Sulur and ordered return of vehicle with certain conditions. One of the conditions is that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate, Sulur.

3. Though the petitioner is prepared to execute a bond, the learned



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Judicial Magistrate, Sulur returned the memo stating that no documents have been filed for executing the bond. Another return is that the affidavit was not filed in appropriate form.

4. This Court in Crl.R.C.No.387 of 2023 had only directed the petitioner to execute the bond for a sum of Rs.1,00,000/-. There is no requirement for seeking documents from the petitioner for executing a bond. Therefore, this Court directs the petitioner to file appropriate affidavit. On filing of such affidavit, the learned Judicial Magistrate, Sulur is directed to obtain the bond from the petitioner as per the directions of this Court in Crl.R.C.No.387 of 2023 dated 06.03.2023. The other conditions shall also be complied by the petitioner.

5. Registry is directed to return the original documents filed by the petitioner after getting certified copies of the same.



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6. Accordingly, this Criminal Original Petition is disposed of.

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Index: Yes/No

Speaking Order: Yes/No



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To

1. The Judicial Magistrate, Sulur.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,

mn



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